IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9463 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JUNAGADH MUNCIPALITY - Petitioner(s)

Versus

MD MANKAD & 2 - Respondent(s)

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Appearance :

MR YOGESH S LAKHANI for Petitioner(s) : 1,
(MR JAYANT PATEL) for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 25/01/2006

ORAL JUDGMENT

1.In the present petition, what is under challenge is an order dated 04-11-1995 passed by the Collector, Junagadh. The order was an interim order. During the

pendency of the petition, the petitioner was granted interim relief in terms of para. 8(B) of the petition. In effect what was granted to the petitioner was an order by which the impugned order so far as it relates to items no.194 and 203 of the Agenda of the meeting dated 30th October, 1995 was stayed. Thus through out the pendency of the petition, the interim order qua Agenda items no. 194 and 203 of the meeting dated 30th October, 1995 remained stayed. The order under challenge is an interim order and the main proceedings by now would have been over. The learned advocates appearing for the parties, however, could not state with authority whether the proceedings before the Collector are finally concluded or not. In any case after a gap of more than 10 years, it would not be appropriate for this Court to reverse the situation as obtained through out the pendency of the petition.

2. This petition is therefore, disposed of by directing that in case the proceedings before the Collector in which the impugned order dated 04-11-1995 was passed, is still not disposed of, till its disposal, the interim injunction granted by this Court in the present petition shall continue.

3.With these directions, the petition is disposed of. Rule is made absolute to the above extent with no order as to costs.

(Akil Kureshi,J.)

(raghu)